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July 7, 2004

### **FILED ELECTRONICALLY**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street SW, Room TW-A325  
Washington, DC 20554

Re: Ex Parte Presentation in MB Docket No. 04-63 (Digital Output Protection Technology  
Certifications: TiVoGuard Digital Output Protection Technology); MB Docket No. 04-65  
(Digital Output Protection Technology and Recording Method Certifications: Helix DRM  
Trusted Recorder); MB Docket No. 04-66 (Digital Output Protection Technology  
Certifications: Windows Media Digital Rights Management Technology)

Dear Ms. Dortch:

This is to notify the Office of the Secretary that on July 6, 2004, Steven Teplitz of Time Warner Inc., Anne Lucey of Viacom, Inc., Susan Fox of The Walt Disney Company, Fritz Attaway of the Motion Picture Association of America, Inc., and Bruce Boyden of Proskauer Rose LLP (collectively, the "MPAA Parties"), accompanied by Frank Hawkins of the National Football League and Kurt Wimmer of Covington & Burling, made an *ex parte* presentation to Jon Cody, Legal Advisor to Chairman Michael K. Powell.

The presentation addressed the necessity of proximity controls for technologies submitted during the interim certification proceedings, including the TiVoGuard technology submitted by TiVo, in order to forestall potential harm to the viability of over-the-air television resulting from widespread indiscriminate redistribution. In addition, the MPAA Parties also addressed the need for technology licenses to provide content owners with a meaningful role in change management and device revocation, and with third-party beneficiary rights with respect to the implementation of the technology's license provisions in downstream devices.

PROSKAUER ROSE LLP

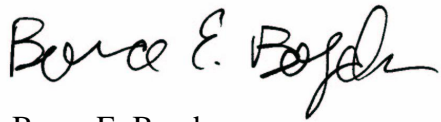
Ms. Marlene H. Dortch

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In accordance with Section 1.1206 of the Federal Communications Commission rules, one copy of this notice is being filed electronically.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Boyden". The signature is fluid and cursive, with the first name "Bruce" and last name "Boyden" clearly legible.

Bruce E. Boyden